

Amendment to the Drawings:

The attached sheet of drawings includes changes to Fig. 4. This sheet replaces the sheet including Fig. 4 that was filed with the last response. In Fig. 4, the reference number 10' was replaced with new reference number 17a, and reference number 17 was added.

Attachment: Replacement sheet

Remarks

In the final office action, the previously filed amendment of December 13, 2004 was objected to under 35 U.S.C. 132 for introducing new matter into the disclosure. Further the amendment was objected to because the status indicator of claim 12 in the Listing of Claims was "currently amended". In addition, the drawings were objected to as failing to comply 37 CFR 1.84(p)(1). The disclosure was also objected to because of formalities. The specification was objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the specification allegedly did not provide proper antecedent basis for certain claim limitations. In addition, claim 18 was objected to under 37 CFR 1.75(c). Claims 14 and 16 were objected to because of formalities. Claims 11 and 18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 3-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by German Utility Model DE 92 02 412 ("DE '412"). Finally, claims 1-7, 11 and 13-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent No. 0 592 297, issued to Gerard ("Gerard").

In this response, Applicants have amended Fig. 4 of the drawings, paragraph [0022] of the specification and claims 1, 11, 14, 16. Applicants have cancelled claims 18. Claims 1-4, 6, 11, and 17 remain pending in this application. Applicants respectfully request reconsideration and withdrawal of objections and rejections in view of the amendments and following remarks.

A. Objections under 35 U.S.C. 132 and Claims Listing:

The amendment was objected to under 35 U.S.C. 132 for allegedly introducing new matter into the disclosure. Specifically, the Examiner objects to the added language to paragraph [0022] and to Fig. 4, since it may be interpreted as meaning that the coupling has only one cylindrical bearing. The amendment was also objected to because of the status indicator for claim 12.

Applicants have now amended the language that was added to paragraph [0022] in the last response to remove any implication that the coupling includes only one spherical bearing. There is ample support in the original specification for joints equipped with spherical bearings like the spherical bearing shown in Fig. 4.

Applicants have also corrected the status indicator in the listing of claims to clarify that claim 12 has been cancelled.

Withdrawal of the objections under 35 U.S.C. 132 and for informalities relating to the status indicator for claim 12 is respectfully requested.

B. Objections to the Drawings:

The drawings were objected to as failing to comply 37 CFR 1.84(p)(1) because Fig. 4 included reference numerals with inverted comas. Elsewhere in the office action, the Examiner objected to the reference 10' as indicating a bearing where bearings had previously been referred to by reference numeral 17.

Applicants have amended Fig. 4 to replace reference 10' with new reference number 17a and have amended the specification at paragraph [0022] to be consistent with new Fig. 4. Applicants have also added reference numeral 17 pointing out the cylindrical bearings in Fig. 4.

Withdrawal of the objections to the drawings is respectfully requested.

C. Objections to the Specification for Informalities:

The disclosure was also objected to because of formalities. Specifically, the amendments to paragraph [0018] were objected to because of an alleged contradiction to the original disclosure at paragraph [0021].

Paragraph [0018] as amended in the previous response includes the statement that: "Coupling 1 shown in a front view in Figure 1 connects a shaft end 2 of a driving machine part with a shaft end 3 of a driven machine part. The shaft ends 2 and 3 each represents *portions* of a shaft or wheel hub of the driving machine part or driven machine part, only shaft end 2 being visible in the front view." (Emphasis added).

Applicant respectfully submit that there is no contradiction with the original disclosure at paragraph [0021]. Paragraph [0021] merely states that connecting flange 14 of shaft end 2 is bolted to a gear. Certainly, the fact that shaft end 2 is connected to shaft end 3 via coupling 1 is not inconsistent with shaft end 2 having a connecting flange 14 that is bolted to a gear.

Furthermore, the Examiner points to lack of description in the specification for how the elastomer layers 20 are connected to other parts of the disclosed invention. Applicants respectfully submits that the specification provides sufficient disclosure, for how the elastomer layers are connected, for example at paragraph [0009] as being bonded to adjacent metal parts by vulcanization.

Withdrawal of the objections to the disclosure for the above-mentioned formalities is respectfully requested.

D. Objections to the Specification for Lack of Antecedent Basis:

The specification was objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) for lack of proper antecedent basis for claimed subject matter.

Specifically, the Examiner objected that antecedent basis was insufficient for the “at least three identical articulated levers” in claim 1 and “at least three identical articulated second levers” in claim 2.

Antecedent basis for those claims is provided in the specification, for example, at paragraphs [0001] and [0005] and in the drawings.

The Examiner also objected that antecedent basis was lacking for the features of claims 6 and 16. Antecedent basis for those claims is provided in the specification, for example, at paragraphs [0001] and [0005] and in the drawings.

The Examiner further asserts that the antecedent basis for the claims must be found in the DETAILED DESCRIPTION section of the specification, and is somehow reading 37 CFR 1.71 and 1.75(d) as including such a requirement.

Applicants respectfully submit that there is no requirement in U.S. law that mandates specific sections of the specification for providing the required antecedent basis for the claims.. 37 CFR 1.75(d), the pertinent part of which is reproduced below, merely requires that clear support of antecedent basis be provided in the *description* (i.e. the entire written text of the application), and not in section of the specification entitled DETAILED DESCRIPTION.

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis *in the description* so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)). (Emphasis added).

Similarly, 37 CFR 1.71 merely requires that the specification include a written description, but does not mandate that the written description appear in any one section of the specification.

The Examiner further cites 37 CFR 1.73 for the proposition that a brief summary of the invention “should precede the detailed description.” Notwithstanding that this requirement is written with the permissive “should” and not the mandatory “shall,” it is nonetheless fully

complied with, since the SUMMARY OF THE INVENTION of Applicant's specification does precede the DETAILED DESCRIPTION section of the specification.

Withdrawal of the objections to the specification is respectfully requested.

E. Objections to the Claims:

Claim 18 was objected to under 37 CFR 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants have cancelled claim 18.

Claims 14 and 16 were objected to because the Examiner questioned whether "the bearing" refers to each of the bearings with the joints of claim 13.

Since claim 13 recites that each joint includes "a bearing", it necessarily follows that recitation of "the bearing" in a subsequent dependent claim refers to the bearing of claim 13, and applies to each of the joints. In order to address the Examiner's concerns, Applicants have amended claims 14 and 16 to expressly recite "the bearing of each joint." These amendments merely clarify the scope as previously recited and do not constitute a narrowing of claim scope.

Withdrawal of the objection to claims 14, 16 and 18 is respectfully requested.

F. Rejections under 35 U.S.C. §112, second paragraph:

Claims 11 and 18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing particularly point out and distinctly claim the subject matter which applicant regarded as invention.

Claim 18 has been cancelled and claim 11 has been appropriately amended.

Withdrawal to the rejections to claims 11 and 18 is respectfully requested.

G. Rejections under 35 U.S.C. §102(b) based on DE '412:

Claims 1 and 3-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by German Utility Model DE '412.

DE '412 describes a universal shaft for connecting two axles using an intermediate shaft, in which all joints 15 are joined by secantially arranged knuckle pins 22 and in which each joint 15 includes a cylindrical bearing 16.

Applicants respectfully submit that at least the feature of first and second bearing journals

“having a conical shape” as recited in claim 1, and as described in Applicants specification, for example, at paragraphs [0008] and [0018] and shown in the drawings.

On the contrary, DE ‘412 specifically shows and describes only cylindrically shaped bearing journals. See Figs. 1-3.

Withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested.

H. Rejections under 35 U.S.C. §102(b) based on Gerard:

Claims 1-7, 11 and 13-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gerard.

Gerard describes a rotational coupling device for two independent, aligned transmission shafts.

Applicants have amended claim 1 to recite that the joint axes of each lever are disposed parallel to each other and perpendicular to the shaft axis. Applicants respectfully submit that Gerard does not describe at least this feature. On the contrary, for all of the couplings shown in the drawings of Gerard, the joint axes are not parallel to one another.

Withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

William C. Gehris, Reg. No. 38,156
(signing for Thomas P. Canty, Reg. No. 44,586)

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue - 14th Floor
New York, New York 10018
(212) 736-1940